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Le crime et l'épilepsie. G. TARDE. Rev. phil. Nov., 1889.

M. Tarde subjects the views of Lombroso on the epileptic affiliations of crime, as brought out in the second volume of his *L'Uomo delinquente*, to a thoroughgoing examination and finds them far from demonstrated. But if Lombroso has failed in establishing his thesis, his error was not in supposing a common bond in all kinds of crime, but in naming it. Epilepsy is only the extreme type of a periodicity which marks all psychic action and which may be observed in the most normal. A psychic state once experienced tends to repeat itself periodically, and most of all criminal states, for they are, at first at least, most striking and impressive because out of the usual order. But periodicity, because it is universal, cannot stand as a test of responsibility; it is those whose periodicity carries them through psychic extremes, whose orbit is cometary, that are the irresponsibles. Tarde himself gives an important place to the social principle of imitation. It is self-imitation (*habit*) and imitation of others, that makes criminals recidivists, and carries honest men along the lines of uprightness.

Die Psychologie des Verbrechens; ein Beitrag zur Erfahrungsseelenkunde, von Dr. A. KRAUSS. Tübingen, 1884. pp. 421.

The author gives the results of a long and active study on the phenomena and conditions of crime. The standpoint is that of empirical psychology. Physiology is touched upon only so far as is necessary to the understanding of the question at hand. The author does not think that the time has arrived to unite these two sciences; their separation must be considered as yet a scientific miscarriage. The causal connection of criminal phenomena is sought out and traced back to a common ethical principle. The following are some of the main points: Self-consciousness is the source of morality and immorality; of morality, so long as it postulates the clear knowledge of the moral law; of immorality, so long as it leads to self-exemption, and the emancipated "ego" becomes itself law. The degrees of moral consciousness are the criterion of guilt and responsibility for every moral failure; childhood represents an unripeness; idiocy a potential incapacity of moral development. Old age postulates a weakening of the moral power of resistance, since it is accompanied with a certain dullness of self-consciousness. Conscience, the substance of moral feeling, fulfils in man that spiritual normality which makes him responsible for all his acts. This moral freedom is nullified by two organic conditions, insanity and abnormal sleep, on account of the formation of illusions. The love of pleasure and the aversion to labor are by far the greatest sources of crime. The weakening of moral consciousness increases with the number and organization of societies of criminals. An irresistible force, outside of pathological conditions, is not recognized by an earnest administration of justice. Strictness is throughout more rational than mildness. The penitentiary is perhaps the high school of crime; the only rational method is deportation, not only because society is freed from a pest, but the criminal through new conditions is better enabled to self-reformation. The death penalty is the only form of punishment for a cold-blooded and premeditated murder.

War with Crime, by the late T. BARWICK LL. BAKER, Esq., edited by H. Philips and E. Verney. London, 1889. pp. 299.

The book consists of a selection of reprinted papers on crime and reformatories. The author was a magistrate of experience, and had much sympathy for the poor and unfortunate. He makes crime due to a form of mental disease, for which the prisoner is not the only one responsible. The disease must be combated rather than the individual. In the war with crime, prevention and not retaliation is to be carried on by cumulative punishment, that is, the penalty should be apportioned

rather by the antecedents and number of repetitions, than by the heinousness of the crime as judged by itself. There should be a steady increase in severity of convictions after a second conviction; yet the door to reformation should always be kept open; and this could be done by adding to sentence of imprisonment a term of police supervision. While enthusiastic for reformatory work, the author was opposed to reformatory schools under the exclusive control of a committee of magistrates. Reformatories should be limited to cases of confirmed criminality. In case of boys arrested by policemen, a short stay in prison (fourteen to twenty-one days) should precede the entrance into a reformatory school. In the case of vagrants a distinction should be made between the man who travels in order to live, and the man who lives in order to travel. There is no fear from over-education. The book is valuable from its practical nature. While some of the methods of reform may be outgrown or generally accepted, an account of them has historical importance in giving a practical insight into the development of reformatories.

Penological and Preventive Principles, with special reference to Europe and America. By WILLIAM TALLACK, Secretary of the Howard Association. London, 1889; pp. 414.

Notwithstanding the variety of opinion among those of long experience in the charge of criminals, there is a preponderance of experience in certain directions. It is the special design of this book to aid in recognizing these converging lines and approximate conclusions. The author is a strenuous upholder of the necessity for the effectual separation of imprisoned criminals, as opposed to the system of classification and association of criminals. The author appeals to the penal experiences of different nations: France, almost despairing in legislation, had the Récidivist Law for the extension of penal deportation; also the number of imprisonments increased threefold in half a century, from 41,000 in 1836, to 127,000 in 1888; and the "recidivists" increased from 31 to 48 per cent in the more serious offences, and from 28 to 43 per cent in the minor ones. In the United States there has been a steady increase of crime to population, and a shocking development of corruption in the county jails. In Italy we find almost the worst predatory and homicidal classes in gangs of contaminating villany among the prison population. In Germany the prisons are largely schools of crime. In Australia the system is condemned on all sides; it led to conspiracies, insubordination, vices, increase of expenses, contamination, and no possibility of reforming the criminal. In England, with its cellular local jails, and in Belgium and Holland, with similar central prisons, where separation is secured or approximated to, we find the criminals most effectively held in check. In this system there should be added a re-arrangement of sentences; that is, short, but sharp ones; more really penal, but more mercifully deterrent and reformatory. But another purpose of this book is, to show that the efficacy of prisons in the repression of crime is immensely exaggerated, in comparison with other methods of reformation. As to legislation, a reasonable cumulation of penalties is desirable. The element of certainty is very important. Judiciously administered substitutes for imprisonment, including conditional liberty or probation, fines and moderate corporal punishments, are merciful and economical alternatives for prolonged incarceration. These views are held by the majority of penologists. As to preventive influences, too little attention is given to the restorative agencies of religion and morality, (including under the latter head, the wise encouragement of temperance, chastity, thrift,) systems of education and training children to a self-supporting industry, the influence of piety, fostered mainly by denominational schools, where their faith is